

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN WILLIAM WALLACE,

Plaintiff,

v.

UNITED STATES GOVERNMENT,

Defendant.

CASE NO. CV-13-5135-EFS

**ORDER DISMISSING LAWSUIT AND  
ENTERING A ONE-YEAR FILING BAR**

On November 12, 2013, the Eastern District of Washington received a document, which the Court liberally construes as a "Complaint." ECF No. 1. John William Wallace has filed a number of pro se complaints and habeas petitions in this district over the years. *See, e.g.,* CV-93-169-WFN; CV-03-5034-EFS; CV-10-5059-EFS; CV-11-5002-EFS; CV-12-5071-EFS. The Court has repeatedly advised Mr. Wallace that he must either pay a civil filing fee or properly apply for in forma pauperis status. *See, e.g.,* CV-10-51-21-EFS; CV-11-5002-EFS; CV-12-5055-EFS, ECF No. 2; CV-12-5060-EFS, ECF No. 2. The Court has also cautioned Mr. Wallace that a failure to do so will result in a one-year filing bar. CV-10-5121-EFS, ECF No. 2; CV-11-5002-EFS, ECF No. 2; CV-12-5055-EFS, ECF No. 2; CV-12-5060-EFS, ECF No. 2. Mr. Wallace continued to fail to satisfy by this filing requirement and

1 one-year filing bars were entered against Mr. Wallace in this  
2 district. CV-11-5002-EFS, ECF No. 2; CV-12-5071-EFS, ECF No. 4.

3 This is the first complaint filed by Mr. Wallace since the entry  
4 of the most recent filing bar in 2012. Mr. Wallace again failed to  
5 either pay the civil filing fee or properly apply for in forma  
6 pauperis status. Because Mr. Wallace has been sufficiently advised of  
7 his requirement to either pay the civil filing fee or properly apply  
8 for in forma pauperis status when he files a complaint or petition,  
9 and because he has been sufficiently cautioned regarding the  
10 imposition of a one-year filing bar for his failure to abide by this  
11 requirement, the Court dismisses his instant complaint. The Court  
12 also enters a new one-year-filing bar, finding that this sanction is  
13 narrowly tailored to discourage Mr. Wallace's frivolous-filing  
14 activity. See *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057  
15 (9th Cir. 2007) (recognizing a court's inherent power to regulate  
16 abusive litigant activities under exigent circumstances); *DeLong v.*  
17 *Hennessey*, 912 F.2d 1144, 1147-48 (9th Cir. 1990) (identifying the  
18 factors for the court to consider before entering a filing bar).

19 For the reasons given above, **IT IS ORDERED:**

- 20 1. Mr. Wallace's Complaint, **ECF No 1**, is **DISMISSED**.
- 21 2. The file shall be **CLOSED**.
- 22 3. An appeal in this matter will not be taken in good faith.
- 23 4. Petitioner John William Wallace is enjoined, without prior  
24 leave of Court, from filing any future lawsuit in the Eastern District  
25 of Washington, United States District Court until **November 16, 2014**.

